93-352

Supreme Court, U.S.
FILED
JUL 16 1993

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1993

MARK E. VREELAND,

Petitioner,

vs.

JAMES TOWNSEND, et al.,

Respondents.

APPENDIX ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR SIXTH CIRCUIT

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TABLE OF CONTENTS OF APPENDIX

		PAGE
1.	Opinion, Court of Appeals, Sixth Circuit, Affirming, District Court. Filed: April 14, 1993	1.
2.	Court of Appeals, Order Denying Petition for Rehearing. Filed: May 27, 1993	21,
3.	District Court's Opinion and Order Denying Rule 59 Motion. Filed: March 23, 1993	23.
4.	District Court's Order Adopting Magistrate Judge's Two Reports and Recommendations and Dismissing Plaintiff's Complaint with Prejudice. Filed: January 31, 1992	28.
5.	District Court's Judgment Dismissing Complaint	33.
6.	Magistrate Judge Virginia Morgan's Order Denying Plaintiff's Motion Pursuant to Rule 56(f). Filed: November 27, 1991	35.
7.	Complaint	39.
8.	Michigan Statutes Annotated, Section 14.800. Sheriff's Duty to Take a Mentally Ill Person to Hospital	53.

		PAGE
9.	Title 28, Section 1367 Supplemental Jurisdiction	55
10.	Transcript of 911 Tape, Transcriber by Mr. Rust's Secretary from the tape.	58
11.	Certificate of Service of Appendix	ii

John G. Rust, Counsel for Petitioner hereby certifies that he, on July 13, 1993, served three (3) copies of the foregoing Appendix on Attorney Marcia L. Howe (Lead Counsel), Michael E. Rosati, Esq., Cummings, McClorey, 33900 Schoolcraft, Ste. G-1, Livonia, MI 48150-1392, Attorneys for All Defendants Except State Trooper Murphy, Brian D. Devlin, Esq., Michigan Department of Attorney General Tort Defense Division, P.O. Box 30217, Lansing, MI 48909, Attorney for Defendant State Trooper Murphy.

Respectfully submitted,

John G. Rust
Attorney for Petitioner

NO. 92-1534
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

MARK E. VREELAND,	:Filed: Apr. 14, 1993
Plaintiff-Appellant,	:ON APPEAL FROM THE UNITED STATES
v.	:DISTRICT COURT FOR THE EASTERN
JAMES TOWNSEND: LYNN HARDAWAY; DONALD HORVATH: PAT LAUWERS; JAMES GRUBER; RICHARD SWEAT; VINCENT BURKEY; DANIEL BELLINO; MICHAEL MURPHY; WILLIAM FREY; MONROE COUNTY CENTRAL DISPATCH; AND MONROE COUNTY PROSECUTOR'S OFFICE,	:DISTRICT OF MICHIGAN : :NOT RECOMMENDED FOR FULL-TEXT PUBLICATION :Sixth Circuit Rule 24 limits citation :to specific situations. :Please see Rule 24 before citing in a
Defendants-Appellees,	:proceedings in a court in the Sixth
WALTER TROBRIDGE, et al.,	:Circuit.
Defendants.	If cited, a copy :must be served on other parties and :the Court. This notice is to be :prominently displayed if this :decision is reproduced.

APP. 1

BEFORE: MERRITT, Chief Judge; and BOGGS and BATCHELDER, Circuit Judges.

PER CURIAM. Mark Vreeland sued the defendants[1] under 42 U.S.C. §1983, alleging that his constitutional rights were violated when he was insulted by Monroe County dispatchers, shot and arrested by Monroe County deputies, prosecuted by the Monroe County Prosecutor, and jailed when all the defendants allegedly should have known that vreeland suffered from an unspecified "mental illness." Vreeland also brought several state law claims based on the same conduct. The district court granted the defendants' motions for summary judgment for failure to state a claim and dismissed all claims with prejudice. Vreeland now appeals that dismissal. We affirm.

1 Defendant Townsend, Hardaway, Lauwers, Horvath, and Gruber are "911" operators for the Monroe County Dispatch. Defendants Bellino, Sweat, and Burkey are Monroe County Sheriff's Deputies. Defendant Frey is the Monroe County Prosecuting Attorney. Vreeland also named the Monroe County Dispatch and the Monroe County Prosecutor's Office as defendants. However, these offices are not separate entities amenable to suit, pursuant to Rule 21, Fed. R. Civ. P. Vreeland did not name Monroe County as a Defendant.

I

On April 23, 1988, Vreeland, after drinking heavily, made a series of phone calls from his residence in Monroe, Michigan to the Monroe County Dispatch on the "911" emergency line. Vreeland made approximately twenty calls between 1:30 a.m. and 1:53 a.m. and continued to call the dispatch until 3:00 a.m. At first, Vreeland told the dispatchers that he was possessed and that he was a werewolf. He identified himself by name and revealed his social security number, but refused to reveal where he lived. In other calls, Vreeland growled into the phone, breathed heavily, simulated missile sounds, commented on Israel's military capabilities, expressed concern about the safety of his mother, threatened to kill his mother, himself, or one of the dispatchers, expressed doubts about his own mental health, informed the dispatchers that "crack and aids is winning," traded insults with the dispatchers, muttered incomprehensibly, or simply abru-

ptly hung up the phone. Over time, the dispatchers became frustrated. They insulted Vreeland, used profanity, and made disparaging remarks about his sexual orientation and cowardice.

One dispatcher asked Deputy Bellino to check out plaintiff's residence and investigate the possibility of taking him into custody. At 3:10 a.m., Bill Younglove, who lived with Vreeland, called 911 to request that a car be dispatched to his residence. Younglove reported that Vreeland had just left the residence, was possibly armed, and that he feared Vreeland might kill his own mother.

At 3:15 a.m., Deputy Bellino, while crusing in his patrol car near Vreeland's residence, spotted a man with a shotgun in one hand and a beer in the other. After the man pointed the shotgun at Bellino and yelled, "I'm evil and I'm going to kill you," Bellino correctly surmised that the man was Vreeland. Bellino turned off his lights,

backed away, and called for backup. Vreeland continued to approach Bellino, still brandishing the shotgun and repeated over and over, "I am evil and I'm going to kill you." Bellino warned Vreeland ten to fifteen times and even tried calling him by name and reasoning with him, but Vreeland continued to threaten him.

Deputies Richard Sweat and Vincent Burkey arrived in a patrol car, pulling up close to Vreeland. The deputies took cover behind their patrol cars and attempted to persuade Vreeland to put his gun down. Vreeland replied that they would have to shoot him and continued to walk closer to Bellino. Several times Vreeland motioned as if he were firing the shotgun. Bellino reported that he fired a warning shot, but Vreeland kept coming forward and taunting the deputies. When Vreeland was about twenty feet away, Bellino shot him in the arm. Vreeland dropped the gun and fell to the ground. Vreeland was taken to the hospital

in an ambulance.

On April 26, 1988, Monroe County Prosecuting Attorney Fred authorized issuance of a warrant for Vreeland's arrest on three felony counts. Vreeland eventually entered a plea of no contest to a misdemeanor charge of attempted assault, pursuant to a plea bargain.

In his complaint, Vreeland characterizes his barrage of phone calls to the dispatch as a plea for help by someone suffering from an unspecified mental illness. Vreeland alleges that the four dispatchers -- Townsend, Hardaway, Lauwers, and Gruber -- defamed and ridiculed him, and exacerbated his confusion and distress, thus destroying his self-esteem and prompting him to take self-destructive, even suicidal, actions such as taunting and threatening the deputies. He also claims that their insults amounted to libel, slander, and intentional infliction of emotional distress. Vreeland alleges that Horvath, the dispatchers' supervisor, is

responsible for the dispatchers' unprofessional conduct.

Vreeland alleges that Deputies Sweat and Burkey encouraged his self-destrictive behavior and committed assault and battery by almost hitting him with their patrol car. Vreeland alleges that deputy Bellino used excessive force by shooting him. Finally, Vreeland alleges that Prosecuting Attorney Frey maliciously prosecuted him on the felony charge of assault with a dangerous weapon.

The defendants moved for summary judgment, claiming that Vreeland has failed to state a claim against Monroe County because he has failed to identify a policy, custom, or practice upon which the individuals acted and he failed to establish that the dispatchers were inadequately trained; that Prosecuting Attorrey Frey is entitled to absolute immunity; that Vreeland has failed to state a constitutional claim against the individual dispatchers because he has not

established a special relationship between them and Vreeland; and that the deputies are entitled to qualified immunity.

The district court granted the motions and dismissed both the federal and state claims with prejudice.[2] The district court also determined that any appeal from its decision would be frivolous and not in good faith and thus ruled that, pursuant to 28 U.S.C. §1915(a), an appeal could not be taken in forma pauperis. Undeterred, Vreeland's counsel pressed forward and now challenges the dismissal of all federal and state claims and the denial of a motion to conduct further discovery.

II

We review de novo the district court's grant of the defendants' motions for summary judgment. Baggs v. Eagle-Picher Industries, Inc., 957 F.2d 268, 271 (6th Cir. 1992). We

[2]Vreeland was a resident of Ohio at the time of his arrest; therefore, the district court had diversity jurisdiction over the state claims.

can affirm the district court only if we determine that the pleadings, affidavits, and other submissions show "that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56(c).

The moving party need not support its motion with evidence disproving the non-moving party's claim, but need only "show[] -- that is, point[] out to the district court -- that there is an absence of evidence to support the nonmoving party's case." Celotex Corp. v. Catrett, 477 U.S. 317, 325 (1986). The pivotal question before us is whether Vreeland, the party bearing the burden of proof, has presented a jury question as to each element of his case. Id. at 322. Vreeland must present more than a mere scintilla of evidence in support of his position; he "must present evidence on which the jury could reasonably find for the plaintiff." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252 (1986).

III

A

To prevail in a §1983 action, a plaintiff must show that the conduct complained of was committed by a person acting under the color of state law and that the conduct deprived the plaintiff of rights, privileges, or immunities guaranteed by the Constitution or federal statutes. 42 U.S.C. §1983; see Parratt v. Taylor, 451 U.S. 527 (1981). The defendants concede that they were acting under the color of state law, but contend that their conduct did not deprive Vreeland of any constitutional or federal statutory rights. On a more fundamental level, Vreeland's §1983 claim is deficient because he failed to identify with specificity the constitutional right that was allegedly violated. In Wells v. Brown, 891 F.2d 591 (6th Cir. 1989), this court held that plaintiffs seeking damages under §1983 must set forth clearly in their pleadings the capacity in which they are suing the defendants. Vreeland's pleading is

seriously deficient. No actions of specific defendants are tied to specific constitutional or statutory rights. In fact, no particular constitutional provision or statute is even mentioned at all. As Vreeland's counsel candidly admits, "Plaintiff was represented by the only attorney that he could get, an attorney unfamiliar with the complexities of Section 1981 actions." Appellant's Brief, at v (emphasis added). Although we could affirm the district court's dismissal of the federal claims on this ground alone, we briefly address Vreeland's §1983 claims against each defendant.

B

Prosecutor Frey is unqnestionably entitled to absolute immunity because he was sued for conduct within the scope of his prosecutorial duies, prosecuting Vreeland for assault with a dangerous weapon. Imbler v. Pachtman, 424 U.S. 409, 420 (1976).

C

Dispatchers Townsend, Hardaway, Lauwers,

and Gruber may have acted negligently and unprofessionally in dealing with Vreeland, but mere negligence is not enough to constitute a §1983 violation. Davidson v. Cannon, 474 U.S. 344 (1986). In Nishiyama v. Dickson County, Tenn., 814 F.2d 277, 282 (6th Cir. 1987), this court stated:

> In our view, a person may be said to act in such a way as to trigger a Section 1983 claim if he intentionally does something unreasonable with disregard to a known risk or a risk so obvious that he must be assumed to have been aware of it, and of a magnitude such that it is highly probable that harm will follow.

The only clear risk that was made known to the dispatchers was the threat that Vreeland might kill his mother. Although the dispatchers insulted Vreeland and engaged in needless bickering, they also ascertained Vreeland's address and his mother's address and acted to prevent the risk by notifying Deputy Bellino.

Finally, this is not a case where the state actors owed an affirmative duty of care to the plaintiff. Such cases only arise when

"the affirmative exercise of [the state's] power so restrains an individual's liberty that it renders him unable to care for himself, and at the same time fails to provide for his basic human needs, e.g., food, clothing, shelter, medical care, and reasonable safety..." Reeves by Jones v. Besonen. 754 F. Supp. 1135, 1140 (E.D. Mich. 1991) (citing Deshaney v. Winnebago County Dept. of Social Services, 489 U.S. 189 (1989). Vreeland voluntarily called and harassed the dispatchers, and he chose to confront the deputies with shotgun in hand.

D

Vreeland claims that the deputies used excessive force in effectuating his arrest. In Graham v. Connor, 490 U.S. 386, 388 (1989), the Supreme Court held that escessive force claims are to be analyzed under the "objective reasonableness" standard of the Fourth Amendment rather than under a substantive due process standard. The deputies claim an affirmative defense of qualified

immunity. Under the doctrine of qualified immunity, government officials performing discretionary duties "generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982). Thus, a defendant has qualified immunity unless the plaintiff's "rights were so clearly established when the acts were committed that any officer in the defendant's position, measured objectively, would have understood that he was under an affirmative duty to have refrained from such conduct." Dominique v. Telb, 831 F.2d 673, 676 (6th Cir. 1987).

Vreeland was drunk, brandishing a shotgun claiming that he was so evil that he had to be eradicated, and threatening and taunting the deputies. Before Deputy Bellino shot Vreeland, he gave him ten to fifteen verbal warnings, attempted to reason with him, fired a warning shot, and waited until Vreeland was

approximately twenty feet away, still approaching, and still making threats. The deputies are clearly entitled to qualified immunity.

Vreeland's claim that Sergeant Townsend inadequately trained Deputy Bellino fails for the same reasons that his claim of inadequate training of the dispatchers fails, as discussed in the following section.

E

Vreeland did not name Monroe County as a defendant, but the claims against the Monroe County Dispatch and the Monroe County Prosecutor's Office -- neither of which is amenable to suit -- are best interpreted as claims against Monroe County. Even under this liberal interpretation of the pleading, Vreeland has failed to establish a §1983 claim against Monroe County.

First, Monroe County cannot be subjected to liability unless the allegedly unconstitutional act is linked to a policy, custom or practice. Monell v. Department of Social

Services, 436 U.S. 658, 690 (1978). Vreeland simply has not cited any policy, ordinance, or regulation. Vreeland has merely alleged that Horvath, the dispatch supervisor, is responsible for the actions of the dispatchers whom he supervises. However, liability under §1983 cannot be established on the basis of respondeat superior. Rizzo v. Goode, 423 U.S. 362 (1976). Vreeland must show:

> ...that the supervisor encouraged the specific incident of misconduct or in some other way directly participated it it. At a minimum, a §1983 plaintiff must show that a supervisory official at least implicitly authorized, approved, or knowingly acquiesced in the unconstitutional conduct of the offending subordinate.

Bellamy v. Bradley, 729 F.2d 416, 421 (6th Cir.), cert. denied, 469 U.S. 845 (1984).

The dispatchers may have acted unprofessionally by stooping to Vreeland's level and trading insults. However, there is no evidence that the dispatchers were following a policy, custom, or practice of Monroe County. Vreeland's only evidence is that more than one dispatcher engaged in the

questionable exchanges with him. This evidence, standing alone, does not constitute a pattern.

Vreeland's only specific allegation, other than a "respondeat superior" theory, is that Monroe County inadequately trained the dispatchers. Inadequate training may serve as the basis for §1983 liability only when the failure to train amounts to deliberate indifference to the rights of persons with whom the municipality's employees come in contact. City of Canton v. Harris, 489 U.S. 378, 388 (1989). Vreeland's only evidence of inadequate trainging is an affidavit from a retired Toledo police officer with experience as a "911" dispatcher, in which the officer stated that the defendant dispatchers' conduct was inconsistent with standard operating procedure. However, this does not reveal anything about the training program. It only shows that the dispatchers may have performed as if they were inadequately trained in this specific incident. The officer did

not even hypothesize that inadequate training was the moving force causing the alleged deprivation of Vreeland's rights. See id. at 391 (plaintiff must prove that the deficiency in training actually caused the ultimate injury). To the contrary, the retired officer stated more than once in his deposition that he thought that the dispatchers intentionally departed from standard operating procedure.

IV

Vreeland also brought state law claims: assault and battery against the deputies, and intentional infliction of emotional distress, libel, and slander against the dispatchers. The district court properly dismissed these state law claims with prejudice. First, Vreeland claims that by driving their patrol car very close to him Deputies Sweat and Burkey committed assault and battery. Battery requires unlawful touching, Espinoza v. Thomas, 472 N.W.2d 16, 21 (Mich. App. 1991), and Vreeland has not alleged any contact by

by these defendants. Second, the deputies claim they are immune from the assault claim pursuant to M.C.L.A. §791.1407. Vreeland never responded to the defendants' claims of immunity on this point, and there is no evidence in the record that raises a genuine issue of fact material to this claim. Third, the dispatchers' conduct may have been inappropriate and unprofessional, but it does not rise to the level of intentional infliction of emotional distress. See Tope v. Howe 445 N.W. 2d 452, 460 (Mich. App. 1989) ("Liability does not extend to mere insults, indignities, threats, annoyances, petty offenses and other trivialities."). Finally, Vreeland's allegations of libel and slander are frivolous. Vreeland has not specified which statements are untrue; nor has he explained how the dispatchers caused the statements to be published by the local media.

V

Finally, we hold that the district court did not abuse its discretion by denying

Vreeland's motion to conduct further discovery under Rule 56(f) of the Federal Rules of Civil Procedure. See York v. Tennessee Crushed Stone Association, 684 F.2d 360, 363 (6th Cir. 1982). We agree with the district court's summation: "To request an extension of time to take depositions now when he could have taken them during the past year and a half offends the discovery process."

VI

For the foregoing reasons, we AFFIRM the district court's dismissal of Vreeland's federal and state claims with prejudice.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 92-1534

FILED
MAY 27, 1993
LEONARD GREEN, CLERK

MARK E. VREELAND,
Plaintiff-Appellant,

v.

JAMES TOWNSEND, ET AL.,
Defendants-Appellees.

O R D E R

BEFORE: MERRITT, Chief Judge; BOGGS and BATCHELDER, Circuit Judges.

The court having received a petition for rehearing en banc, and the petition having been circulated not only to the original panel members but also to all other active judges of this court, and no judge of this court having requested a vote on the suggestion for rehearing en banc, the petition for rehearing has been referred to the original hearing panel.

The panel has further reviewed the petition for rehearing and concludes that the issues raised in the petition were fully considered upon the original submission and

APP. 21

APP. 21

decision of the case. Accordingly, the petition is denied.

ENTERED BY ORDER OF THE COURT

Leonard Green, Clerk

APP. 22

APP. 22

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK E. VREELAND,

Plaintiff, No. 90-CV-71130-DT

vs. Hon. Gerald E. Rosen

JAMES TOWNSEND, et al.,

Defendants.
_____/

OPINION AND ORDER DENYING PLAINTIFF'S RULE 59 MOTION FOR NEW TRIAL AND/OR TO AMEND OR VACATE JUDGMENT, AND FOR DISCOVERY UNDER RULE 56(f)

At a session of said Court, held in the U.S. Courthouse, Detroit, Michigan on MAR 23 1992

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This matter is before the Court on Plaintiff/s February 12, 1992 "Motion Under Rule 59 for New Trial and/or to Amend or Vacate Judgment; for Leave for Discovery Under Rule 56(f); and for Other Relief."

Plaintiff's Motion arises out of this Court's January 31, 1992 Order and Judgment in which the Court adopted Magistrate Judge Virginia M. Morgan's two November 27, 1992

Reports and Recommendations, granted the Defendants' Motions for Summary Judgment, and, accordingly, dismissed Plaintiff's case in its entirety with prejudice.

The basis of Plaintiff's Motion is his contention that the Court's January 31, 1992 Order and Judgment are deficient because they do not reference that the Court considered the tape of Plaintiff's telephone call to "911" on the night in question and further does not reference Plaintiff's November 4, 1991 Motion for Discovery pursuant to Fed. R. Civ. Pro. 56(f).

With respect to the foregoing contentions, the Court would note that it did, in fact, review the certified transcript of the 911 tape, as well as Plaintiff's Rule 56(f) Discovery Motion and the Magistrate Judge's November 27, 1991 Order denying same. These items are part of the Court's file of this action, and the Court specifically stated in the January 31, 1992 Order that the Court had "reviewed both of the Magistrate Judge's

APP. 24

Reports and Recommendations, Plaintiff's Objections thereto, and the Court's file of this action. . . ."

To the extent that Plaintiff assigns as error the Court's failure to specifically address in its January 31, 1992 Order Plaintiff's objections to the Magistrate Judge's Order denying his Rule 56(f) Discovery Motion, the Court has once again reviewed that Order and finds no error in the Magistrate Judge's ruling. As Magistrate Judge Morgan quite clearly stated at pp. 2-3 of her Order, Plaintiff -- who now is, and ever since the inception of this lawsuit in May 1990 has been, represented by an attorney -- has had more than ample time to conduct discovery during the year and a half pendency of this action. It was not until nearly two months after Defendants filed their motions for summary judgment -- and nearly three months after the discovery cut-off in this case -- that Plaintiff filed his Rule 56(f) discovery motion. As the Magistrate Judge stated at

APP. 25

page 3 of her Order denying the discovery motion: "To request an extention of time to take depositions now when he could have taken them during the past year and a half offends the discovery process." This Court wholeheartedly agrees.[1]

The grounds for the granting of motions to alter or amend a Judgment[2] are set forth in Eastern District of Michigan Local Rule 7.1(h) (3):

> (m) Motions to Alter or Amend a Judgment or for Rehearing or Reconsideration.

---

[1] On January 27, 1992, Plaintiff submitted a new Rule 56 (f) discovery motion seeking the same discovery that he sought in his November 1991 motion which the Magistrate Judge denied. For the reasons stated above in this Opinion and Order and for the reasons stated by the Magistrate Judge in her November 27, 1991 Order denying Plaintiff's previous Rule 56(f) motion, Plaintiff's new Rule 56(f) motion will be denied.

[2] Although Plaintiff has alternatively captioned his Motion as one for New Trial under Fed. R. Civ. Pro. 59(a), since no trial was ever conducted in this matter, Rule 59(a) is inapplicable. Thus, the Court will treat Plaintiff's Motion as one to "alter or amend a Judgment" under Rule 59(e).

APP. 26

(3) Grounds. Generally, and without restricting the discretion of the Court, motions for rehearing or reconsideration which merely present the same issues ruled upon by the Court, either expressly or by reasonable implication, shall not be granted. The movant shall not only demonstrate a palpable defect by which the Court and the parties have been mislead but also show that a different disposition of the case must result from a correction thereof.

The Court finds that Plaintiff has merely presented the same issues already ruled upon by the Court, either expressly or by reasonable implication, in its January 31, 1992 Order and Judgment. Further, Plaintiff has not demonstrated a palpable defect by which the Court has been misled or that a different disposition of the case must result from a correction thereof.

For these reasons,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff's February 12, 1992 Motion under Rule 59 be, and hereby is, DENIED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's January 27, 1992 Rule 56(f) discovery motion is also DENIED.

App.27

Gerald E. Rosen
United States District Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK E. VREELAND,

Plaintiff,

No. 91-CV-71130-DT

Hon. Gerald E. Rosen

vs.

JAMES TOWNSEND, LYNN HARDAWAY, DONALD HORVATH, PAT LAUWERS, JAMES GRUBER, RICHARD SWEAT, VINCENT BURKEY, DANIEL BELLINO, MONROE COUNTY CENTRAL DISPATCH, MICHIGAN STATE POLICE OFFICER MICHAEL MURPHY, WILLIAM FREY, AND THE MONROE COUNTY PROSECUTOR"S OFFICE,

Defendants.
_____/

ORDER ADOPTING MAGISTRATE JUDGE'S TWO NOVEMBER 27, 1991 REPORTS AND RECOMMENDATIONS AND DISMISSING PLAINTIFF'S COMPLAINT WITH PREJUDICE

At a session of said Court, held in the U.S. Courthouse, Detroit, Michigan on JAN 31 1992

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This matter having come before the Court on two Reports and Recommendations ("R & Rs") submitted by United States Magistrate Judge Virginia M. Morgan on November 27, 1991 recommending in the first of these November 27, 1991 R & Rs, that the

App. 28

Court grant Defendant Murphy's Motion for Summary Judgment, and recommending in the second R & R that the Court grant the Motion for Summary Judgment filed by Defendants Townsend, Hardaway, Horvath, Lauwers, Gruber, Sweat, Burkey, Bellino, Monroe County Dispatch, Director of Central Dispatch. William Frey and the Monroe County Prosecutor's Office; and Plaintiff having timely filed objections to the Magistrate Judge's Reports and Recommendations; and the Court having reviewed both of the Magistrate Judge's Reports and Recommendations, Plaintiff's Objections thereto, and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendations summary judgment should be entered in favor of the all of the remaining Defendants in this action and this case should, accordingly by dismissed in its entirety; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's two Reports and

APP. 29

APP. 29

Recommendations of November 27, 1991 be, and hereby are, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's two November 27, 1991 Reports and Recommendations, (1) Defendant Murphy's Motion for Summary Judgment be, and hereby is, GRANTED, and (2) the Motion for Summary Judgment of the remaining defendants, --i.e., that of Defendants Townsend, Hardaway, Horvath, Lauwers, Gruber, Sweat, Burkey, Bellino, Monroe County Dispatch, Director of Central Dispatch, William Frey and the Monroe County Prosecutor's Office -- be, and hereby is, GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Complaint is DISMISSED in its entirety with prejudice.

28 U.S.C. § 1915 CERTIFICATION

The Court further hereby sets forth its certification under 28 U.S.C. § 1915 that, in the event that Plaintiff seeks to appeal from this case, Plaintiff should not be permitted

APP. 30

to proceed with such appeal in forma pauperis for the following reasons.

Under 28 U.S.C. § 1915(a), "an appeal may not be taken in forma pauperis if the [district] court certifies in writing that it is not taken in good faith." The Supreme Court has further defined a "frivolous" action as one that "lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 109 S.Ct. 1827, 1831 (1989).

For the reasons stated in the Magistrate Judge's Report and Recommendation which this Court has concurred in and adopted this date, Plaintiff's §1983 civil rights claims are factuallya nd legally deficient. This Court, therefore, makes the finding that Plaintiff's claims are frivolous because they lack an arguable basis in law or fact. Accordingly, this Court determines that any appeal from this decision would be frivolous. It is clear, then, that an appeal could not be taken in good faith and, therefore, pursuant to 28 U.S.C. §1915(a), may

APP. 31

not be taken *in forma pauperis*.

/s/ Gerald E. Rosen
Gerald E. Rosen
United States District Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK E. VREELAND,

Plaintiff,

vs.

JAMES TOWNSEND, LYNN HARDAWAY, DONALD HORVATH, PAT LAUWERS, JAMES BRUBER, RICHARD SWEAT, VINCENT BURKEY, DANIEL BELLINO, MONROE COUNTY CENTRAL DISPATCH, MICHIGAN STATE POLICE OFFICER MICHAEL MURPHY, WILLIAM FREY, AND THE MONROE COUNTY PROSECUTOR'S OFFICE,

Defendants.
_____/

No. 91-CV-71130-DT
Hon. Gerald E. Rosen

JUDGMENT

At a session of said Court, held in the U.S. Courthouse, Detroit, Michigan on _____

PRESENT: Honorable Gerald E. Rosen
United States District Judge

The Court having this date entered an Order (1) adopting the Magistrate Judge's two November 27, 1991 Reports and Recommendations and (2) granting (a) the Motion for Summary Jdugment filed by defendant Murphy (b) the Motion for Summary Judgment filed by the remaining defendants -- Defendants Townsend, Hardaway, Horvath,

Lauwers, Gruber, Sweat, Burkey, Bellino Monroe County Dispatch, Director of Central Dispatch, William Frey and the Monroe County Prosecutor's Office;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that summary judgment be, and hereby is, entered in favor of the DEfendants and Plaintiff's Complaint, accordingly, is DISMISSED with prejudice.

/s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK E. VREELAND,
Plaintiff,

v.

JAMES TOWNSEND, LYNN HARDAWAY, DONALD HORVATH, PAT LAUWERS, JAMES GRUBER, RICHARD SWEAT, VINCENT BURKEY, DANIEL BELLINO, MONROE COUNTY CENTRAL DISPATCH, MICHIGAN STATE POLICE OFFICER MICHAEL MURPHY, WILLIAM FREY, and THE MONROE COUNTY PROSECUTOR'S OFFICE,
Defendants.
_____/

CIVIL ACTION NO. 90 CV 1130 DT
JUDGE GERALD E. ROSEN
MAGISTRATE JUDGE VIRGINIA MORGAN

ORDER DENYING PLAINTIFF'S MOTION PURSUANT TO RULE 56(F)

This matter is before the court on the plaintiff's motion pursuant Fed.R.Civ.P. Rule 56(f) for additional time to take depositions in order to oppose defendants' motions for summary judgment. Defendants have not responded. Plaintiff, Mark Vreeland, through his attorney filed this complaint pursuant to 28 U.S.C. §1331 and presumably under 42 U.S.C. §1983 on May 2, 1990, alleging that defendants violated his constitutional rights. After consideration of all the issues raised; APP. 35

IT IS ORDERED that the motion be and here by is DENIED for the following reasons.

Fed.R.Civ. P Rule 56 (f) states with respect to opposition to a motion for summary jdugment pursuant to Fed.R.Civ.P. Rule 56:

> Should it appear from the affidavits of a party opposing the motion that the party cannot for the reasons stated present by affidavit facts essential to justify the party's opposition, the court may refuse the application for judgment, or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.

This rule will not be applied to aid a party who has been lazy or dilatory. "Thus, a request for relief under Rule 56(f) is extremely unlikely to succeed when the party seeking the delay has failed to take advantage of discovery." Wright, Miller & Kane, Federal Practice and Procedure Civil 2d, §§2740-7241 (West Supp. 1991).

Here, plaintiff seeks to take the depositions of defendant Hardaway, Lauwers, Gruber, Sergeant Townsend, and the lieu-

tenant involved, and other unidentified persons in the Sheriff's office responsible for the type of training given to dispatchers. Plaintiff claims that he been unable to obtain this information due to a "cloak of silence" or a "conspiracy of silence."

However, plaintiff does not state what steps eh has taken to depose these individuals or to obtain the necessary information. HE has known the identity of defendants since he filed the lawsuit in May, 1990. Plaintiff and defendants were given an ample discovery period and plaintiff did not request an extension. Defendants filed their motions for summary judgment in September and October, 1991. Plaintiff has not demonstrated why he was unable to obtain this information before now. He states that he had reason to believe that defendants' conduct departed from standard practices after he listened to the tape and based upon the affidavit of George Early, a re-

APP. 37

tired Toledo Police Officer. (John Rust Affidavit at p. 1) As such, he should have taken steps to inquire into the training of Monroe County dispatchers then and not now. To request an extension of time to take depositions now when he could have taken them during the past year and a half offends the discovery process.

Therefore, for the reason discussed above, plaintiff's motion is denied.

SO ORDERED.

/s/ Virginia M. Morgan
VIRGINIA M. MORGAN
UNITED STATES MAGISTRATE JUDGE

Dated: NOV 27 1991

PURSUANT TO TULE 77(D), FED.R. CIV.P. COPIES MAILED TO ATTORNEYS FOR ALL PARTIES ON November 27, 1991.

Lori Coons
DEPUTY COURT CLERK

TO: /s/ John Rust
/s/ Michael Rosati
/s/ Lawrence Vanwassenova
/s/ Brian Devlin

APP. 38

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Filed: APR 23 1990

Mark E. Vreeland,

Plaintiff,

Case No. 90CV71130DT

v.

PLAINTIFF'S COMPLAINT AND JURY DEMAND ENDORSED HEREON

James Townsend,

Lynn Hardaway,

Donald Horvath,

Lauwer (first name unknown)

James Gruber,

Richard Sweat,

Vincent Burkey,

Daniel Balino,

Walter Trobridge,

Monroe County Sheriff,

Monroe County Central Dispatch,

9-1-1 Agency or Organization,

Carl VanWerdt,

Henrik Kanavel,

Michael Murphy,

William Frey,

Office of the County Prosecutor,

Defendants.

John G. Rust (0000098)
4628 Lewis Avenue
Toledo, Ohio 43612
(419) 476-0347

APP.

1. Jurisdiction of this Court is invoked under Title 28 US CS 1330 for diversity of citizens, and under Paragraph 1331, as Plaintiff claims this action involves his rights arising under the Constitution and Laws of the United States of America. Plaintiff is a citizen and Laws of The United States of America. Plaintiff is a citizen and resident of Ohio, and each of the Defendants are citizens and residents of Michigan.

2. On April the 23rd, 1988, Plaintiff Mark E. Vreeland resided at 266 Hurd Road, Monroe, MOnroe County, Michigan. At that time, he suffered a spell of temporary loss of control and of his senses, due to conditions in his mind, a part of which had arisen during his service in The United States Armed services, where unfortunately, he had started the use of drugs and alcohol. In the early hours of April the 23rd, 1988, Plaintiff was at his residence, had been drinking beer for several hours, was intoxi-

APP. 40

cated, and was, mentally in loss of control, and telephoned for help to the 9-1-1-Organization or Agency in Monroe County Michigan, as shown by his numerous statements, which were so known and recognized, or in the exercise of ordinary care, should have been so recognized, by the operators, of the 9-1-1 Agency, and the Monroe Coutny Central Dispatch each of which are governmental organizations. Defendant Lynn Hardaway, (first name unknown) Lauwer,,James Gruber, and Sargeant James Townsend, were employees of the Monroe County Central Dispatch, and either talked to, or heard the conversations with Plaintiff at that time. Plaintiff stated, that among other things, he was "possessed," felt a "force" from outer space, and made other comments, showing that he was in dire need of help. Defendant Hardaway and others of the named Defendants, then in talking with him, defamed him, held him up to ridicule, and caused him to be further troubled and in loss of control, by their remarks, actions and

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tone of voice. Defendants James Townsend, as the Sargeant in charge, Lynn Hardaway, (first name unknown) Lauwer, herein after referred to as Lauwer, and James Gruber, either spoke, or ratified, or failed to correct in any way, the danger causing and improper wrods, "a bastard; you look like a chimpanzee," and other defamatory and hostility generating, ridiculing, statements, which in Plaintiff's weakened condition, all proximately caused him mentally, and otherwise to be unable to defend himself as otherwise he would have. Each person, mentioned above, and the Monroe County Central Dispatch persons did not act professionally, were not supportative, and failed to follow the standard of accepted practices of those in their position in that they did not use terms and tone of voice that was supportative, helpful, but instead made Plaintiff's situation worse, by threatening and hostile actions toward him, to the Monroe County Deputies who heard the statements

on the same telephone line of communication, to take steps to arrest and to incite and invite and entrap Plaintiff to commit an act, for which the deputies might arrest him.

3. Plaintiff would have remained in his home, but was provoked, incited, entrapped, by the statements made over the 9-1-1 line, by the people mentioned above, to leave his home; and walked up Monroe Street in Frenchtown Township, Monroe County, Michigan. In doing so, he carried a can of beer in his left hand, and over his shoulder, a shot-gun, with the breech open, in a non-firing position and continued so to do. About 3:15 A.M., on April the 23rd, 1988, he then was seen by a Depty Sheriff Daniel Belino, who passed him, in the night time, in an unlighted area, and then reversed his Sheriff's car, from the intersection of Hurd and Monroe Street. Through the Monroe Central Dispatch nine, communications went out then, to all the Sheriff's deputies, be on the lookout for

Vincent Berkey, in a Sheriff's car, came upon Plaintiff, then committed an act of assault upon Plaintiff by driving the Sheriff Deputies car, as though it were going to hit the Plaintiff and this put Plaintiff in fear, and further caused a loss of ability for him to control himself and further contributed directly to his temporary loss of control so that he was not in a condition then, to be culpable or blamed for his act, because of his mental condition. Defendant Bellino then, without sufficient cause or provocation, and through negligence, and intentional wrong, fired a shot-gun shot at Plaintiff, striking Plaintiff in the right elbow, causing various fractures of the bones of his arm, and him to be permananently disabled, and to suffer much pain and suffering.

4. Defendants Townsend, also Donald Horvath, the Supervisor of the Monroe Central Dispatch, Hardaway, Lauwer, and Gruber, by their acts and omissions and/or in the

APP. 44

alternative, intentionally, proximately caused Plaintiff to be in the position where he was so shot by Defendant Bellino. Defendant Donald Horvath, then Sheriff Walter Trobridge, Carl Van Werdt, then Commander or in charge of the Erie Post of the Michigan State Police, and Police Chief, Henrik Kanavel, were also liable and responsible for all the aforesaid in that Defendants Trobridge, VanWerdt, and Knavel, were in the Board of Directors or in Control of the said 9-1-1 Organization, and the Monroe County Central Dispatch, that they failed to see to it that the operators on the 9-1-1 Line, in the Monroe Central Dispatch, were trained professionally, and directed as to know what to do, when receiving a call on the 9-1-1 as Plaintiff had sent in as stated above; and had they not been negligent, they would, by following the approved standards of care, if they so trained, the said operators, that they would have mitigated, mollified, attempted to help, in a supportive and

APP. 45

professional manner, rather than acting unlawfully as stated above. Further, then Sheriff Trobridge, and each of the Sheriff Deputies, and Supervisors thereof, were negligent, in not having instructed the Sheriff deputies as to how to have handled the situation, without such excessive force and permanent injury to Plaintiff and were guilty of negligence or in the alternative, intentional wrongs, by not using methods that would have been protective of said deputies and the Plaintiff, that were either known, or should have been known, in proper law enforcement actions for the people involved here.

5. Defendant Michael Murphy, a Sergeant, Michigan State Police, Flatrock Post, Prosecuting Attorney William Frey, and others of the above named Defendants, then prosecuted, and continued to prosecute Plaintiff on felony charges, assault with a dangerous weapon, contrary to Michigan Compiled Law, 750-82

claiming that Plaintiff had pointed a shotgun at Deputy Bellino; and the same as to Deputy Sweat and that Plaintiff did carry and have in his possession a shotgun, contrary to Michigan Compled Law 750-82, four counts of felonies altogether, and did for some eleven months, or more, cause Plaintiff so to be prosecuted in the District Court for the County of Monroe, First Judicial District, and Plaintiff to be confined in jail all of the time. Defendants and each of them, well knew, from the tapes and electronic recordings of the conversations of Plaintiff and from Plaintiff's actions, that he was not mentally in control of himself, so was temporarily deranged, that he was not criminally culpable nor to be blamed for his actions, nor responsible for the same, and likewise, from other sources, but Defendants either recommended or directly contributed to the further prosecution of the Plaintiff, or were liable for not having taken a proper stand against such prosecution,

and have each then proximately caused him to suffer from a prosecution which never should have been conducted, or continued.

6. Defendants Haraway, Townsend, Lauwer, Gruber, Horbath, Trobridge, and VanWerdt, and Kanavel, were each liable for the aforesaid libels and slanders, were published then, and have been published since, and are recorded and will be published in the future without cause or privilege and have been so published continuing in on to this year; and by reason thereof, Plaintiff is entitled to compensatory and punitive damages in the amount of $50,000.

7. Defendants Bellino, Townsend, Sweat, Burkey, Trobridge, were liable for the use of excessive force by Defendant Bellino in shooting and permanently injuring and damaging Plaintiff or for their intentional wrongs or by the negligence of the Sheriff Trobridge and the Sergeant Townsend, in not having effectively trained Deputy Bellino for situations such as were here encountered.

8. Plaintiff states that there were various procedures that would have enabled Deputy Bellino safely, and without permanent injury to Plaintiff, to be taken into effective custody, but that the Defendants named in this paragraph were negligent in not having trained Deputy Bellino how effectively adn safely to all concerned, to have taken Plaintiff into custody; or else, Defendant Bellino acted intentionally; and by reason of each and all or in the alternative Plaintiff is entitled to compensatory and punitive damages, for the assault and battery upon him, in the amount of $100,000, from each of the Defendants named in this Paragraph.

9. Further, Defendants caused to be published in the Monroe Evening News, an account of the events of April the 23rd, 1988, in form and words, with the implication, highly critical and defamatory of the Plaintiff, which were untrue, in acts of commission or in omission, and this has been published in the permanent files of the said paper, or

on in to 1990; and Defendants either authorized or ratified or failed to point out any corrections, of the said accounts, although Defendants knew of the errors and defamatory and false statements in the said account.

10. Defendant Prosecuting Attorney William Frey, and Michigan State Trooper Michael Murphy, denied Constitutional Rights of the Plaintiff when, within one hour after he had been operated, at the hospital in Ann Arbor, each questioned him, about what had transpired and happened.

11. Defendants Frey, Murphy, and the other defendants herein, prosecuted, and continued to prosecute, without cause, but from malice, Plaintiff, so that he was kept in jail, until on or about March the 17th, 1989, although each knew, and should have known, had each exercised ordinary care, that Plaintiff was not guilty of the four counts with which he was charged of Felonies. Defendant Frey, during the course of his being held in jail, offered to dismiss some

or all of the charges if Plaintiff would sign a civil release in favor of the Defendants herein, or portions of them. In so doing, Defendant Frey and Defendant Murphy violated the proper standards of those in their position and proximately caused the Plaintiff to have to stay in jail much longer than called for properly, by the law and proper law enforcement. Further, Defendant Frey and Defendant Murphy, worked to cause a-cover-up of exactly what had happened by each person involved, causing discredit upon the Plaintiff, and probably unjustifiably, unjustly, ypon some of the others involved, leading to Plaintiff's arrest. Defendant Frey and Defendant Murphy approximately caused a delay in the release of Plaintiff without cause or legal justification thereby denied Plaintiff's basic rights, guaranteed by the Law, and the Constitutions of the United States of American, and of Michigan.

12. Plaintiff in March, 1989, and

before was under great mental stress and other mental problems, and Defendant Frey, knwoing that Plaintiff would be acquitted and found not guilty, and that Plaintiff was under duress and direly wanted to be released, just before the scheduled Trial, offered to release Plaintiff if Plaintiff would plead No Contest to a misdemeanor; and also Defendant Frey, and those Defendants participating in that offer, then and for a long time prior thereto, knew that Plaintiff was not guilty, and Plaintiff under great duress did so plead, and was released, but did not agree to Defendant Frey's requests to release Defendants, and Plaintiff so pleaded on the ground that he could and would sue Defendants.

13. Wherefore, Plaintiff Mark E. Vreeland prays that he may have and recover judgment against each and all of the Defendants, for $50,000, as to each, or more, as herein before stated, and for the recovery of his court costs and attorney fees herein; and prays for judgment against Defendants

App. 52

Townsend, Hardaway, Horvath, Lauwer, Gruber, Sweat, Burkey, Bellino, Trobridge, also Monroe County Sheriff, Monroe County Central Dispatch, 9-1-1 Agency or Organization, Carl VanWerdt, Kanevel, Murphy, Frey and Office of the County Prosecutor.

Plaintiff Mark E. Vreeland by:

(s) John G. Rust
John G. Rust, His Attorney
833 Security Building
Toledo, Ohio 43604
(419) 243-9191

JURY DEMAND ENDORSED HEREON

Plaintiff demands trial by jury of all the issues herein.

Mark E. Vreeland, by:

(s) John G. Rust
John G. Rust

APP. 52A

MICHIGAN STATUTES ANNOTATED,
SECTION 14.800. - SHERIFF'S DUTY TO
TAKE A MENTALLY ILL PERSON TO HOSPITAL

"§14.800(427) Pleas officer observing personal conduct; custody and transportation to hospital or notification of community mental health emergency service unit; procedure; application for hospitalization.) Sec. 427. (1) If a peace officer observes an individual conducting himself (or herself) in a amnner which causes the peace officer to reasonably believe that the individual is a person requiring treatment as defined in section 401, the peace officer may take the individual into protective custody and transport (the individual) to a hospital for examination pursuant to section 429 (or may notify the community mental health emergency service unit for the purpose of requesting mental health intervention services. If notified, the community mental health emergency service unit shall provide those mental health intervention services which it considers appropriate unless the individual declines the services. If the individual declines the services, the peace officer shall immediately transport the individual to a hospital. These services may be provided at a site mutually agreed upon by the peace officer and the community mental health emergency service or at the site of the community mental health emergency service unit. In the course of providing services, the community mental health emergency service unit may provide advice and consultation to the peace officer which may include a recommendation to transport the individual to a hospital for examination pursuant to section 429, or to release the individual from rpotective custody. However, the peace officer is not constrained from exercising his or her reasonable judgment. If a peace officer determines that an indivi-

dual shall be released from protective custody as a result of consultation with a community mental health emergency service unit, the community mental health emergency service unit shall assure provision of follow-up counseling and diagnostic and referral services as needed, unless the individual declines the services.) UPon arrival at the hospital, the peace officer shall execute an application for hospitalization of the individual.

Immunity from financial responsibility.) ((2) A peace officer shall not befinancially responsible for the cost of care of an individual for whom a peace officer has executed an application under subsection (1).)

Notification of results of hospital examination to community mental health service unit.) ((3) A hospital receiving an individual pursuant to subsection (10 who has been seen by a community mental health emergency service unit shall notify that unit of the results of an examination of that individual conducted by the hospital.) (MCL §330.1427)

History. AS amended by Pub Acts 1978, No. 598, imd eff January 4,1979."

TITLE 28, SECTION 1367
SUPPLEMENTAL JURISDICTION

§1367. Supplemental jurisdiction
(a) Except as provided in subsections (b) and (c) or as expressly provided otherwise by Federal statute, in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case of controversy under Article III of the United States Constitution. Such supplemental jurisdiction shall include claims that involve the joinder or intervention of additional parties.

(b) In any civil action of which the district courts have original jurisdiction founded solely on section 1332 of this title, the district courts shall not have supplemental jurisdiction under subsection (a) over claims by plaintiffs against persons made parties under Rule 14, 19, 20, or 24 of the Federal Rules of Civil Procedure, or over

claims by persons proposed to be joined as plaintiffs under Rule 19 of such rules, or seeking to intervene as plaintiffs under Rule 24 of such rules, when exercising supplemental jurisdiction over such claims would be inconsistent with the jurisdictional requirements of section 1332.

(c) The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if-

(1) the claim raises a novel or complex issue of State law,
(2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction,
(3) the district court has dismissed all claims over which it has original jurisdiction, or
(4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.

(d) The period of limitations for any claim asserted under subsection (a), and for any other claim in the same action that is voluntarily dismissed at the same time as or after the dismissal of the claim under subsection (a), shall be tolled while the claim is pending and for a period of 30 days after

it is dismissed unless State law provides for a longer tolling period.

(e) As used in this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States. (Added Dec. 1, 1990, P.L. 101-650, Title III, §310(a), 104 Stat. 5113.)

APP. 57

911 PHONE CALL OF MARK VREELAND

OPERATOR: CENTRAL DISPATCH, OPERATOR 24.

VREELAND: HELLO, OPERATOR?

MO: THIS IS THE POLICE DEPARTMENT. CAN I HELP YOU?

V: WHO AM I SPEAKING TO?

MO: OPERATOR 24.

V: DO YOU KNOW WHO I AM?

MO: NO.

V: I'D LIKE TO MAKE A REPORTING.

MO: OK.

V: MY NAME IS MARK EDWARD VREELAND.

MO: WHAT'S THE PROBLEM?

V: SIR, I BELIEVE I'M POSSESSED.

MO: OK. DO YOU WANT TO HOLD ON?

S: YES, CAN I HELP YOU? SERGEANT TOWNSEND.

V. YES SIR. I'M NOT GOING TO BE ON THE LINE VERY LONG.

S: U CAN'T UNDERSTAND YOU.

V: I'M A LITTLE NERVOUS.

S: WHAT ARE YOU NERVOUS ABOUT SIR?

V: WHAT?

S: WHAT ARE YOU NERVOUSE ABOUT?

APP. 58

APP. 58

V: I'M JUST GOING TO LET YOU KNOW, I...

S: PARDON ME?

V: I FEEL A FORCE COMING IN.

S: OH, YOU DO?

V: IT'S COMING IN FROM, FROM, UH...

S: UFO?

V: NO, FAR AWAY

S: HOW FAR AWAY?

V: FAR AWAY.

S: JUPITER, MARS, UH, VENUS?

V: FAR AWAY.

S: FURTHER THAN THAT?

V: YES.

S: MARS IS WAY OUT THERE.

V: MY NAME IS MARK EDWARD VREELAND. MY SOCIAL SECURITY NUMBER IS 381-72-7986.

S: UH-HUH.

V: I FEEL SOMETHING THAT IT'S UNUSUAL.

S: SPELL YOUR LAST NAME.

V: V-R-E-E-L-A-N-D

S: OK. WELL WHAT DO YOU MEAN? WHAT DO YOU FEEL, MARK? (HEAVY BREATHING) HELLO?

V: I'M STILL HERE.

S: PARDON ME?

APP. 59

V: I'M STILL HERE.

S: WHAT KIND OF SENSATION ARE YOU GETTING?

V: I'M PERFECTLY SOBER RIGHT NOW, OFFICER.

S: I BELIEVE YOU. HOW OLD ARE YOU?

V: I AM 23 YEARS OLD.

S: WHAT;S YOUR DATE OF BIRTH?

V: 2/17/1964.

S: 2/17/64?

V: YES, THAT'S CORRECT.

S: WHERE WERE BORN AT,MARK?

V: WYANDOTT, MICHIGAN.

S: OK, WHERE DO YOU LIVE?

V: MONROE, MICHIGAN.

S: WHERE ABOUT?

V: MONROE, MICHIGAN.

S: YEAH, I KNOW YOU LIVE IN MONROE. WHERE / AT?

V: I DON'T KNOW.

S: DO YOU GOT ANY IDEA? DO YOU LIVE IN AN APARTMENT COMPLEX?

V: I'M SORRY. I WON'T TELL YOU. I WILL TELL YOU THIS, THAT THERE'S SOMETHING THERE... THERE'S SOMETHING ELSE OUT THERE.

S: LIKE WHAT?

V: I DON'T KNOW.

S: WHAT ARE YOU WATCHING ON T.V.? (HEAVY

BREATHING)...MARK?...(HEAVY BREATHING)... MARK, WHAT ARE YOU WATCHING ON TV?

V: YOU KNOW WHAT I'M WATCHING ON T.V.

S: NO MARK, WHAT? ARE YOU A WEREWOLD?

V. I'M WATCHING THE...UNAUDIBLE.

S: YOU WHAT?

V: (GROWLING, HEAVY BRETHING)

S: UNAUDIBLE...YOU'RE FLIPPING OUT RIGHT?

V: THE EGYPTIANS.

S: WHAT ARE YOU GROWLING FOR?

V: I'M SORRY.

S: YEAH.

V: PELASE RECORD WHAT I AM SAYING.

S: EATING EGYPTIANS?

V: I'M GONNA, I'M GONNA LET IT GO, OK?

S: THE PHAROAHS?

V: NO, I KNOW THIS, I KNOW YOU ARE RECORDING EVERYTHING I TELL YOU. PLEASE RECORD EVERYTHING. (HEAVY BREATHING)

S: UNAUDIBLE.

****

V: (HEAVY BREATHING) IF YOU'RE WONDERING, I"M IN VIET NAM. UNAUDIBLE.

****

WOMAN OPERATOR: CENTRAL DISPATCH..(HEAVY BREATHING)...OK, IF THIS IS THE CRAZY GUY THAT JUST CALLED US SAYING YOU'RE

POSSESSED, DON'T CALL US BACK ANYMORE. THERE IS NOTHING WE CAN DO TO HELP YOU.

****

WO: CENTRAL DISPATCH.

V: YOU WILL RECORD.

WO: WE ARE RECORDING IT.

V: RECORD.

WO: OK, WHAT DO YOU WANT US TO DO?

V: I'M GONNA LET IT GO.

WO: SO, LET IT GO.

V: RECORD.

WO: GO RIGHT AHEAD.

****

WO: CENTRAL DISPATCH.

V: YES, I WANT TO REVEAL MYSELF.

WO: YOU'RE GOING TO REVEAL YOURSELF.

V: YES.

WO: TO WHOM? IS THIS THE GUY THAT'S JUST BEEN CALLING HERE?

V: MY NAME IS MARK EDWARD VREELAND.

WO: OK.

V: SOCIAL SECURITY NUMBER 381-72-7986.

WO: OK. WHAT' YOUR DATE OF BIRTH?

V: JUNE 17TH, 1964.

WO: OK. DO WE HAVE A WARRANT FOR YOU OR SOMETHING?

APP. 62

APP. 62

V: NO. PLEASE MAM, THIS IS AN EMERGENCY.

WO: OK. WHAT'S THE EMERGENCY? YOU'RE THE ONE CALLING HERE BREATHING ON THE PHONE?

V: PLEASE.

WO: WHAT DO YOU WANT?

V: THIS IS NOT ME. PLEASE.

WO: OH, THIS IS THE WEREWOLF THAT'S INSIDE YOU THAT'S BREATHING ON THE PHONE.

V: NO. THERE AIN'T NO SUCH THING.

WO: OK. WELL YOU'RE THE ONE WHO'S CALLING HERE TALKING ALL THIS OFF THE WALL STUFF. THIS BETTER BE AN EMERGENCY.

V: PLEASE LISTEN.

WO: OK. I'M LISTENING...GO AHEAD.

V: (HEAVY BREATHING)

WO: IF YOU ARE NOT GOING TO SAY ANYTHING, I AM GOING TO HANG UP. OK. BECAUSE I DON'T HAVE TIME. IF YOU WANT TO TALK, I'LL LISTEN, BUT I DON'T HAVE TIME TO LISTEN TO YOU BREATHE ON THE PHONE. SO YOU DECIDE.

V: WHO AM I SPEAKING TO?

WO: PARDON?

V: WHO AM I SPEAKING TO?

WO: OPERATOR 6.

V: WHO IS THIS?

WO: OPERATOR 6.

V: WHO IS OPERATOR 6?

APR 63

WO: THAT'S ALL YOU NEED TO KNOW.

V: 666....(LAUGHTER)

WO; SIR, CAN I HELP YOU?

V: 666....

****

WO: MR. VREELAND, STOP CALLING HERE. OK. STOP CALLING HERE.

V: (GROWLING)

****

V: I'M GOING TO KILL MY MOTHER.

WO: WHERE ARE YOU CALLING FROM?

V: I'M GOING TO KILL MY MOTHER.

WO: YOU KNOW WHAT? YOU'RE SICK. YOU ARE SICK AND DISGUSTING.

V: I KNOW I AM.

WO: YOU ARE SICK BASTARD. STOP CALLING HERE.

****

LOTS OF BACKGROUND NOISE

LONG TONE

WO: IS THIS THE GUY THAT IS GOING TO KILL HIS MOTHER?

V: YES.

WO: IF WE FIND OUT WHERE YOU ARE, YOU'RE GOING TO JAIL. CONTINUOUS LONG TONE AND HEAVY BREATHING. UNAUDIBLE WORDS.

****

MALE OPERATOR: CENTRAL DISPATCH

V: WHAT ARE YOU WATCHING ON T.V.?

MO: HEY, I DON'T KNOW. WHAT ARE YOU WATCHING?

V: I DON'T KNOW. WHAT ARE YOU WATCHING?

MO: WHO IS THIS?

V: WHO IS THIS.

MO: WHO IS THIS?

V: I DON"T KNOW.

****

WO: MR. VREELAND? IF YOU DON'T TELL US WHERE YOU ARE, DON'T EVEN BOTHER CALLING BACK DOWN HERE. SHERIFF'S DEPARTMENT.

V: WHAT?

WO: WHY DON'T YOU KILL YOURSELF? THEN WE WON'T HAVE TO WORRY ABOUT YOU ANYMORE.

****

WO: CENTRAL DISPATCH. YES. YES.

****

OPERATOR CALLED INFORMATION

I: RECORDS DEPARTMENT.

WO: ARE YOU BUSY?

I: NO. WHAT DO YOU NEED?

WO: OK. DO ME A FAVOR. SEE IF YOU CAN FIND A CURRENT ADDRESS ON A GUY NAMED MARK EDWARD VREELAND. V-R-E-E-L-A-N-D. 6/17/64.

I: OK.

WO: THANKS BYE.

****

S: SERGEANT TOWNSEND...HELLO?'''HELLO?

APR 65

V: UNAUDIBLE.

S: PARDON?

S: I'M LISTENING.

S: LISTENING TO WHAT?

V: LISTENING TO YOU.

****

WO: CENTRAL DISPATCH.

I: UNAUDIBLE.

WO: YES.

I: VREELAND?

WO: YES.

I: 266 HURD.

WO: 266 EAST HURD ROAD.

I: IT DOESN'T SAY.

WO: IT'S PROBABLY EAST.

I: I FIGURED THAT IT WAS BY WINCHESTER.

WO: OK. DID HE HAVE, UH, WHEN WAS THIS ADDRESS ON EAST HURD ROAD MOST CURRENT?

I: HE SAID IT WAS 4/16, BUT..UNAUDIBLE.

WO: OF THIS MONTH.

I: YES.

WO: FOR WHAT

I: UNAUDIBLE..WHILE INTOXICATED.

WO: OK. THIS FOOL IS CALLING ON THE PHONE

DRIVING US NUTS. OK. UH. HOW BIG IS HE?

I: UH...ABOUT 155 POUNDS, 5'10".

WO: OH AND ALSO, YOU KNOW WHEN YOU GAVE ME THAT INFORMATION ON LARRY SMITH AND JODI RAMSEY? WHATEVER..UM..I'VE BEEN IN ...UNAUDIBLE..WITH THOSE.

I: UMMM.

WO: OH DID THEY? GREAT. THANKS. BYE.

****

V: HELLO.

WO: I KNOW WHERE YOU LIVE AND I'M GOING TO SEND A CAR THERE TO ARREST YOU.

V: WHERE DO I STAY AT?

WO: I'M NOT GOING TO TELL YOU BECAUSE THEN YOU'LL LEAVE. NOW, I KNOW WHERE YOU LIVE AND I KNOW YOU"VE JUST BEEN ING ARRESTED A COUPLE OF DAYS AGO FOR CREAT-/ A DISTURBANCE WHILE YOU WERE DRUNK, LIKE YOU'RE DOING RIGHT NOW.

V: SO WHAT.

WO: SO WHAT, NOTHING. YOU GOING TO JAIL YOU ASSHOLE.

V: SUCK MY DICK.

WO: NO, YOU SUCK IT YOURSELF, YOU PRICK.

****

WO: CENTRAL DISPATCH...

V: FUCK YOU.

****

WO: CENTRAL DISPATCH.

V: I SAID... YOU'D WATCH ME BURN IN HELL FOR 365...

WO: HEY, YOU KNOW WHAT? YOU JUST KEEP ENJOYING THE SOUNDM BUDDY, BECAUSE YOU'RE GOING TO BE IN JAIL BEFORE 3:00.

****

S: SERGEANT TOWNSEND HERE.

V: I'M GOING TO BURN IN HELL FOR 365 DAYS.

S: I KNOW YOU WILL. AND YOU'LL BE IN JAIL FOR 365 DAYS. (VREELAND TALKING IN BACKGROUND, UNAUDIBLE) YOU ARE GOING TO BE IN JAIL FOR 365 DAYS, DON'T WORRY ABOUT IT. BUT...UNAUDIBLE.

V: LONGER THAN THAT.

S: THEN DON'T WORRY ABOUT IT.

****

LONG TONE.

WO: HEY, YOU BETTER BRING A TOOTHBRUSH BECAUSE YOU ARE GOING TO JAIL.

V: UNAUDIBLE.

****

CONTINUOUS LONG TONE.

TALKING IN BACKGROUND.

V: FUCK YOU. DO YOU WANT ME OR WHAT?

MO: HEY ARE YOUA SPACE CADE BY CHANCE?

V: SUCK MY DICK.

MO: HEY, YOU DON'T HAVE ONE BUDDY. IF YOU HAD A DICK, YOU'D BE DOWN HERE TO TALK TO ME.

APP. 69

V: FUCK YOU.

MO: YOU'RE A PUSSY.

V: WHY DON'T YOU FICKIN' COME AND GET

LAUGHTER IN BACKGROUND.

****

V: (HEAVY BREATHING & STRANGE NOISES) DO YOU BELIEVE IN GOD, DON'T YOU? DO YOU WORSHIP HIM?

MO: ARE YOU REALLY A NUT?

V: I'VE GOT YOU...

MO: I'VE MET A LOT OF NUTS, BUT YOU'RE THE FIRST ONE THAT BELIEVES IN GOD.

V: OH. UNAUDIBLE...BELIEVE IN GOD?

MO: YEAH, MOST OF THEM ARE ATHEISTS.

V: OH. YOU BELIEVE IN GOD.

MO: YEAH.

V: HEY.

MO: DO YOU BELIEVE IN THE ORIGINATION IF DARWIN'S THEORY, UH, EVOLUTION OF LOOK CHIMPANZEES INTO MAN? VREELAND, YOU/ LIKE A CHIMPANZEE.

V: I TELL YOU WHAT...

****

WO: CENTRAL DISPATCH.

P: HELLO.

WO: HI. I NEED YOU TO DO ME A FAVOR.

P: WHAT KIND OF FAVOR?

WO: WE GOTY SOME FOOL FUCKIN'BASTARD ON THE

PHONE WHO HAS BEEN DRIVING US CRAZY.

P: OH YEAH?

WO: I NEED YOU TO GO OUT TO THE HOUSE AND SEE IF YOU CAN TALK HIM INTO SLUGGING YA, SO YOU CAN BRING HIM INTO JAIL.

P: OH YEAH?

WO: HE LIVES AT 266 E. HURD ROAD.

P: OK.

WO: HIS NAME IS MARK EDWARD VREELAND.

P: HEY, I THINK I KNOW HIM.

WO: HE JUST GOT ARRESTED 3 OR 4 DAYS AGO FOR CREATING A DISTURBANCE IN THE CITY.

P: MARK WHAT?

WO: MARK EDWARD VRELAND. 6/17 of 64. 266 E. HURD ROAD IS WHERE BILL YOUNGBLOOD LIVES/ IF YOU KNOW HIM.

P: YEAH, I KNOW BILL.

WO: OK. BECAUSE I KNOW THIS GUY IS CRAZY TOO. HE'S TALKING ABOUT KILLING HIS MOTHER AND ROTTING IN HELL AND SUCK MY DICK AND YOU'RE A PUSSY AND DAT, DAT, DAT, DAT AND ALL THIS STUFF. HE'S DRIVING US NUTS.

P: VREELAND?

WO: YES.

P: HOW DO YOU SPELL THE LAST NAME?

WO: V-E, OH EXCUSE ME. V-R-E-E-L-A-N-D.

P: SO WHAT'S THE COMPLAINT?

WO: HE'S DRIVING US CRAZY. (LAUGHTER)

P: HE JUST KEEPS CALLING THEN?

WO: YEAH, CAN'T YOU, UM, UM, IF YOU KNOW, I'LL BE THE COMPLAINTIFF FOR HARASSING PHONE CALLS OR SOMETHING. TOWNEY SAYS HE THINKS YOU CAN DO THAT.

P: OH YEAH. IT'S BE UH, UNAUDIBLE, OR SOMETHING LIKE THAT.

WO: YEAH, MISUSE OF A COMMUNICATION DEVICE.

P: YEA.

WO: THAT'S WHAT IT IS.

P: IT'S A MISDEMEANOR.

WO: HE'S DRIVING US NUTS. I'VE GOT HIM TRACKED ON THE PHONE RIGHT NOW, SO IF YOU LOOK THROUGH THE WINDOWS AND YOU SEE HIM ON THE PHONE, THEN YOU KNOW YOU GOT THE RIGHT HOUSE CAUSE IT'S HIM.

P: OH.

WO: I SAID I KNOW WHERE YOU LIVE AND I SAID YOU BETTER BRING A TOOTHBRUSH AND SOME SOAP ON A ROPE BECAUSE YOU'RE GOING TO BE IN JAIL BEFORE 3:00.

P: DID YOU?

WO: YEAH. (LAUGHTER)...SO HOPEFULLY...

P: SO HOW MANY TIMES HAS HE CALLED YOU?

WO: OH, PROBABLY ABOUT 20 TIMES WITHIN THE PAST HALF OF AN HOUR. WE GOT HIM TRAPPED, UH, LET ME SEE IF HE'S STILL ON THE PHONE...HE'S GONE NOW. HE HUNG UP, BUT HE'LL BE CALLING BACK IN A MINUTE.

P: HMMM. OK. WE'LL GO OUT THERE AND SEE WHAT WE CAN DO.

WO: OK. THANK YOU.

APP. 72

APP. 72

P: BYE.

WO: BYE.

****

WO: CENTRAL DISPATCH. OPERATOR 6.

V: I THINK ISRAEL IS MANIPULATING WARHEADS. DON'T YOU?

WO: I THINK SO TOO.

V: YOU'RE GONNE BE MINE PRETTY SOON.

WO: YEAH, IT'S JUST A MATTER OF TIME BEFORE YOU'RE GOING TO BE MINE BUDDY.

V: MATTER OF TIME. YOU'RE RIGHT.

WO: YEAH, IT'S A MATTER OF TIME FOR YOU AND YOU BETTER BRING SOME SOAP ON A ROPE WITH A TOOTHBRUSH, BECAUSE YOU'RE GOING TO JAIL.

V: I'LL BURN IN YOUR HELL AS LONG AS I CAN.

WO: HEY THAT'S ALL RIGHT. I'LL PROBABLY SEE YOU DOWN THERE. YOU NEVER KNOW.

V: IT'S AN ILLUSION. WHEN IT'S ALL... UNAUDIBLE...YOU WILL BELONG TO MY WORLD. I'M..UNAUDIBLE..FOR YOU.

****

MO: UNAUDIBLE.

V: ISRAEL'S MANIPULATING WARHEADS.

MO: HEY, WHY DON'T YOU BITE MY ASS AND GET OFF THE PHONE.

APR 73

V: AND YOU CAN'T DO NOTHING ABOUT IT.

MO: YOU ARE A SICK SUCKER, BUDDY. YOU KNOW WE HAVE POLICE WORK TO DO. HEY..YOU JUST LAY THERE. HEY, YOU CAN JUST SIT THERE AND DRINK YOUR JUICE OR SMOKE YOUR POT OR SNIFF YOUR CRACK, BUT WE CAN'T DO THAT, OK?

V: IN HELL FROM THE DEVILS. (MISSLE NOISES) ISRAEL (MISSLE NOISES).

MO: ILITOLA KUMANY IS GOING TO GET YOU, TOO, BUDDY.

****

WO: CENTRLA DISPATCH.

V: YES, SO ARE YOU GOING TO HELP MY MOTHER?

WO: ARE YOU GOING TO HELP YOURSELF? YOU'RE THE ONE THAT NEEDS HELP.

V: I'M ASKING YOU A QUESTION. ARE YOU GOING TO HELP MY MOTHER?

WO: YEAH, WHERE IS YOUR MOM?

V: IN THE TRAILER COURT.

WO: SHE LIVES IN THE TRAILER PARK? WHAT'S THE ADDRESS WHERE SHE IS?

V: 775 E. OUTER DRIVE.

WO: 775? IS THAT WHAT YOU SAID? MR. VREELAND?

V: YOU KNOW WHERE SHE'S AT.

WO: NO, I DON'T KNOW WHERE SHE IS. WHERE ARE YOU CALLING FROM? APP.74

V: ARE YOU GOING TO HELP HER?

WO: YEAH, WHAT DO YOU WANT ME TO DO?

V: PROTECT HER FROM..UNAUDIBLE.

WO: WE'RE GOING TO HAVE TO PROTECT HER FROM, UM, UNAUDIBLE..FROM YOU.

V: I DON'T KNOW. YOU GUYS ARE GOING TO HAVE TO PROTECT HER FROM EVIL.

WO: NO. YOU'RE THE ONE THAT SOUNDS LIKE YOU'RE EVIL.

V: NO. I'M NOT EVIL. I BELIEVE IN GOD, DON'T I?

WO: I DON'T KNOW WHAT YOU BELIEVE IN.

V: I DON'T KNOW WHAT TO DO.

WO: PARDON?

V: ARE YOU GOING TO PROTECT HER FROM EVIL?

WO: YES, WE WILL.

V: HOW?

WO: I'LL SEND A PATROL CAR OVER THERE WITH A CROSS AND SOME GARLIC AND THEY'LL KEEP THE EVIL AWAY FROM HER.

V: I WANT TO FUCK YOU IN THE MIDDLE OF THE ROAD.

WO: YOU DO?

V: YEAH.

APP. 75

WO: YOU SOUND LIKE YOU LIKE TO SLEEP WITH OTHER MEN. BUT IT DOESN'T MAKE ANY DIFFERENCE, YOU'RE GOING TO GET YOUR OPPORTUNITY 'CAUSE YOU'RE GOING TO BE IN JAIL BEFORE LONG, BECAUSE I GOT A CAR ON THE WAY TO YOUR HOUSE NOW.

V: OH, BUT YOU SAID THAT SO LONG AGO.

WO: NO. IT WASN'T SO LONG AGO. I TOLD YOU THAT ABOUT 15 MINUTES AGO. I HAVEN'T FORGOTTEN ABOUT YOU. DON'T WORRY.

V: ARE YOU GOING TO PROTECT MY MOTHER FROM EVIL?

WO: YEAH. WE'RE GOING TO PROTECTHER FROM YOU 'CAUSE YOU'RE THE ONE THAT'S SICK.

V: I KNOW. AIN'T THAT FUNNY?

WO: WHERE'S YOUR FATHER? IS HE STILL ALIVE?

V: SO, ARE YOU GOING TO PROTECT MY MOTHER FROM EVIL?

WO: I'M SURPRISED YOUR MOTHER IS STILL ALIVE. I'M SURPRISED SHE HASN'T KILLED HERSELF WITH A SON LIKE YOU.

V: HMMMMM.

****

MO: CENTRAL DISPATCH.

V: ARE YOU GOING TO PROTECT MY MOTHER?

V: ********** JUST LET ME GO. I'LL BE ALLRIGHT IN THE MORNING.

MO: OK. GOOD. TAKE 3 ASPIRINS AND GO TO BED, SIR.

V: NO. JUST LET ME GO.

MO: OK BYE.

V: NO.

MO: YOU LIVE ON HURD ROAD.

V: NO. ARE YOU GOING TO PROTECT MY MOTHER FROM EVIL?

MO: OH YEAH. I'LL BE RIGHT OVER THERE. WHERE DOES SHE LIVE?

V: FUCK YOU. YOU SON OF A BITCH.

MO: UNAUDIBLE. FUCK ME? YOU CAN'T FUCK ME. I'M A MALE.

V: I WANT TO FUCK YOU ANYWAYS.

MO: OH DO YOU REALLY?

V: IN YOUR MOUTH.

MO: DO YOU REALLY?

V: I WANT TO SEE YOU..UNAUDIBLE.

MO: HEY, I GET OFF AT 7:00. MEET ME IN FRONT OF THE JAIL.

V: CRACK AND AIDS IS WINNING.

MO: MEET ME IN FRONT OF THE JAIL AT 7:00.

V: OH YOU REALLY DO WANT TO FUCK ME THEN?

MO: FIVE FOOT 10, 180 LBS., I DRIVE A BLACK MONTE CARLO. APP.77

V: THAT DOESN'T MATTER TO ME.

MO: LOOK, I JUST THOUGHT I'D TALK TO YA. IF YOU WANT TO GET INTO MY PANTS, THEN MEET ME.

V: I'D LOVE TO KILL YOU.

MO: KILL ME?..UNAUDIBLE..

V: NAW, I'D RATHER KILL YOU.

MO: OH, COME ON.

V: YES, I JUST LOVE TO KILL.

MO: WELL COME ON DOWN AND SEE ME TOMORROW MORNING. I GET OFF AT 7:00.

V: NAW.

MO: YOU WANT TOKILL ME, COME MY WAY.

V: YOU COME MY WAY.

MO: NO. NO. COME SEE ME.

V: HEAD NORTH. NORTH IS GOD'S WAY, AIN'T IT?

MO: YEAH.

V: HEAD WAY.

O: OK THEN. THE PHAROAH'S OF EGYPT ALWAYS HEADED NORTH. SO I'LL SEE YA.

V: OF COURSE THEY DID. OF COURSE... UNAUDIBLE.

MO: YOU'VE HEARD OF TUT, THE BOY KING? THE GUY DIED AT 19.

APP. 78

V: UM-HMM.

****

MO: CENTRAL DISPATCH.

V: WHO AM I TALKING TO?

MO: WHO IS THIS?

V: NO. WHO AM I TALKING TO?

MO: THIS IS OPERATOR 24.

V: I WANT TO KNOW WHAT'S YOUR NAME.

MO: THIS IS OPERATOR 24, WHO IS THIS.

V: NO, WHAT'S YOUR NAME?

****

MISSLES BOMBING SOUNDS

FIRST PART WAS UNAUDIBLE.

V: I HAVE A PROBLEM WITH VIOLENCE.

MO: UNAUDIBLE. I'M FROM IRELAND.

V: ARE YOU GOING TO FOLLOW THE NORTH STAR?

MO: YOU GOT IT. TELL ME WHERE TO FOLLOW AND I'LL MEET YOU THERE.

V: HURD ROAD.

MO: 266?

V: YES, EXACTLY.

MO: OK. I'LL SEE YA TOMORROW MORNING.

APP. 79

V: NO. TONIGHT.

MO: I'M WORKING.

V: THAT'S YOUR JOB.

MO: I KNOW, BUT I'LL SEE YOU IN JAIL.

V: ARE YOU GOING TO PROTECT MY MOTHER?

MO: WHAT'S HER ADDRESS...WHAT'S HER ADDRESS? HELLO? WHAT'S HER ADDRESS?

V: 666 HADES.

MO: 666 WHAT?

V: 666 HADES.

MO: WHERE'S HADES AT?

V: fuck you.

MO; YOU'D LIKE TO.

V: I'D LOVE TO.

MO: IS THAT YOUR FACE OR DID YOUR PANTS DROP, BUDDY? GO TO BED.

****

P: UNAUDIBLE

WO: HE LIVES AT 266 E. HURD ROAD.

P: NO. I DON'T KNOW HIM. 266 E HURD ROAD?

WO: YEAH, YOU KNOW THAT'S WHERE BILL YOUNG-/BLOOD LIVES OR THAT'S WHERE HE USED TO LIVE.

P: YEAH.

APP. 80

WO: THAT LITTLE PRICK'S BEEN CALLING US ON THE PHONE FOR HOURS.

P: FOR WHAT?

WO: DRIVING US NUTS. SO I SENT SCHAEFER AND WEIMAN OVER THERE. I WANT THEM TO ARREST HIM OR SOMETHING. CENTRAL TO 33 NEWPORT. YOU GOT A RESCUE CALL. VICTIM OF AN ASSAULT. 8345 NORTH DIXIE. 8-3-4-5 NORTH DIXIE.]/2 MIL NORTH OF SCHWAN CREEK ROAD. THEY WERE GOING TO WRITE A COMPLAINT ASKING ME TO COMPLAIN ABOUT A MISUES OF A COMMUNICATIONS DEVICE. THEN THEY HAD TO GO TO A CALL ON NORTH DIXIE, SO WE HAD TO CALL OFF THAT ONE, BUT I WAS THINKING IF THEY GO OVER THERE AND MAYBE THAT GUY WOULD TAKE A SWING AT THEM OR SOMETHING, THEY COULD BRING HIM IN.

P: WHAT WAS HE DOING WHEN HE CALLED?

WO: HE'S TALKING ABOUT HE'S GOING TO KILLUS AND HE'S A WEREWOLF AND HE'S POSSESSED. AND, AND...

P: I DON'T WANT TO GO OVER THERE, THEN.

WO: NO, I DON'T WANT YOU TO GO 'CAUSE YOU'RE BY YOURSELF. I'M JUST WONDERING IF YOU KNEW HIM OR NOT.

P: WE DON'T NEED ANYMORE WIERDOS.

WO: NO. NO. NO.

P: I CAN GO SPOTLIGHT HIS HOUSE IF YOU WANT. OR MAYBE YOU CAN GET VANDERCOOK.

APP. 81

WO: OK. I'LL TELL HIM WE'RE GOING TO SEND DEPUTY VANDERCOOK OVER THERE IF HE CALLS BACK. UM, HE'S GOING TO KILL US. TOWNEY TOLD HIM TO MEET HIM HERE IN FROM OF THE JAIL AT 7:00 WHEN HE GETS OFF WORK.

P: OH YEAH?

WO: LIKE A DUMMY.

P: UNAUDIBLE..HIS CAR OR SOMETHING.

WO: I DON'T KNOW. THE GUY IS GOOFY.

P: I'LL RIDE BY THERE A FEW TIMES.

WO: OK. THANKS.

P: BYE.

WO: BYE.

****

W: RECORDS.

M: HEY.

WO: YEAH.

M: ON THAT VREELAND THAT YOU LOOKED AT.

W: UH-HMM.

M: IS THERE A TELEPHONE NUMBER THERE?

W: I CAN PULL THE FILE AND CALL YOU RIGHT BACK.

****

VREELAND BREATHING HEAVY.

APP. 82

APP. 82

MO: YOU START WALKING, OK? WE'LL CATCH YOU LATER.

V: OH MY GOD, IT"S NICE.

MO: OK...HAVE A GOOD TIME.

****

WO: WHAT MOVIE ARE WATCHING?

V: THE BOOK OF LIFE.

WO: THE BOOK OF LIFE?

V: YEAH.

WO: OH, I'M SURPRISED YOU'RE NOT WATCHING THE THREE FACES OF DEATH OR SOMETHING.

V: I'M TELLING YOU RIGHT NOW...

WO: YEAH, YOU'RE TELLING ME. YOU'VE BEEN TELLING ME FOR THE PAST 20 MINUTES, YOU'RE GOING TO KILL YOUR MOTHER. I KNOW.

V: NO. KILL ME.

WO: WELL, WE MIGHT BE ABLE TO OBLIGE YOU.

V: I WANT TO MAKE YOU...UNAUDIBLE.

WO: YOU ARE GOING TO DO WHAT?

V: (GROANING) I DON'T LIKE IT...I DON'T LIKE IT...I DON'T LIKE IT...FUCK YOU... (HEAVY BREATHING)...UH...

WO: WHAT?

V: WELL, IT'S AFTER MIDNIGHT

APP. 83

WO: UH-HUH.

V: I'M GONNA BE WALKING...UNAUDIBLE.

WO: YEAH. YOU'RE GONNA GO. WHAT'S YOUR MOTHER'S ADDRESS? 775 E.OUTER DRIVE? IS THAT WHAT YOUSAID? SHOULDN'T IT BE FOUR DIGITS ON E. OUTER DRIVE?

V; UNAUDIBLE.

****

V: HELLO, I'M GOING TO BE STRAIGHT UP WITH YOU. ALL RIGHT? UM... I DON'T KNOW IF I'M LOSING MY FUCKING MIND. I DON'T KNOW WHAT THE FUCK'S HAPPENING WITH ME ANYMORE. BUT, UH...

WO: GO AHEAD.

V: IT FEELS LIKE THIS EVIL FORCE IS COMING. I DON'T KNOW WHERE IN THE FUCK THIS THING IS, UH.. I JUST KNOW THERE'S SOMETHING UH..DRIVING ME TO, UH...KILL MY OWN MOTHER.

WO: OK. AND WHAT DO YOU WANT THE POLICE TO DO ABOUT IT?

V: MY MOTHER HAS ALWAYS... MY MOTHER HAS BEEN GOOD.

WO: UH-HMM. WELL YOU WERE THE ONE WHO WAS TALKING ABOUT KILLING HER.

V: BUT I'M GONNA KILL AND THERE'S NO.. I'M GONNA...I'll PULL A GUN ON ANYBODY & I'LL KILL.

WO: OK. WHERE DO YOU LIVE?

V: FUCK YOU. APP. 84

WO: WEll, YOU'RE THE ONE WHO CALLED HERE. YOU'RE THE ONE WHO KEEPS CALLING HERE.

V: I'M GOING TO BE CARRYING A GUN.

WO: AND YOU'RE LEAVING YOUR HOUSE, WALKING, TO GO OVER TO YOUR MOTHER'S HOUSE TO KILL HERE, RIGHT?

V: YOU CAN'T STOP ME.

WO: I'M NOT GOING TO TRY TO STOP YOU. I COULD CARE LESS. WE'LL STOP YOU, DON'T WORRY ABOUT THAT.

V: I KNOW.

WO: YOU'RE...

V: I'M CARRYING A GUN.

WO: OK. WHAT KIND OF GUN?

V: 49 CALIBER.

WO: A WHAT KIND?...HELLO?...(GROANING BY VREELAND)...WHERE DI YOU GO TO SCHOOL? ...MARK?...MARK.

V: I'M COMING...OHHHHH...I'M COMING...I DON'T CARE IF YOU KILL ME. PLEASE KILL ME...WHO AM I TALKING TO?

WO: MARK...MARK.

V: WHO AM I TALKING TO?

WO: WHERE DID YOU GO TO SCHOOL?

V: HELLO? ...MUMBLING AND UNAUDIBLE.

WO: WHERE DIDYOU GO TO SCHOOL?

APP. 85

V: (MOANDING AND UNAUDIBLE) I CAN SEE THE BLUE...I CAN SEE IT.

WO: YOU CAN SEE THE BLUE WHAT?

V: THE BLUES...

WO: THE BLUE WHAT?

V: I CAN SEE IT.

WO: YOU CAN SEE THE BLUE WHAT?

NEW WOMAN'S VOICE: MARK, WHERE DI YOU GO TO SCHOOL?

V: IT'S REAL...

OLD WO: WHAT KIND OF BLUE CAN YOU SEE?

V: I DON'T FUCKIN' BELIEVE IT'S REAL.

OLD WO: WHAT KIND OF BLUE CAN YOU SEE?

V: I DON'T FUCKIN' BELIEVE IT'S REAL. YOU BETTER GOD DAMN BELIEVE IT'S REAL.

NEW WO: MARK?

V: (GROANING)...I CAN SEE IT COMING. I CAN SEE THE BLUE.

NEW WO: MARK...

V: WHO AM I TALKING TO?

NEW WO: MY NAME IS FAYE. WHAT SCHOOL DID YOU GO TO?

V: I CAN'T SEE THE BLUE ANYMORE. BUT IT'S REAL. I"LL TELL YOU ONE THING. IT'S ALL I HAVE LEFT TO SAY. IT'ALL THAT I HAVE LEFT TO SAY. IT'S THAT IT IS REAL. IT'S UH....

APR. 86

OLD WO: HEY MARK.

V: I DON'T KNOW WHAT IT IS.

OLD WO: MARK?

V: I CAN'T STOP...I'M COMING...I CAN'T STOP IT. IT'S NOTHING MAN CAN COMPREHEND. IT'S UH...IT'S REAL...UNAUDIBLE.

OLD WO: MARK...(VREELAND GROANING AND HUNG UP)

****

WO: CENTRAL 5 and 27.

M: YES.

WO: OK, UH, DID YOU DO THE THING WITH THE LIGHTS LIKE WE DISCUSSED ON THE PHONE? (THE REST WAS UNAUDIBLE BECAUSE OF OTHER TALKING)

****

WO: CENTRAL DISPATCH.

MAN: YES, I WAS WONDERING, COULD YOU SEND A SHERIFF'S CAR OUT HER TO 266 E. HURD ROAD?

WO: OK. WHAT'S THE PROBLEM?

M: OK. MARK VREELAND HAS BEEN STAYING WITH US. OK? AND HE'S BEEN DRINKING AND HE SAYS I LOVE YOU BILL, I LOVE YOU LINDA, MY DAUGHTER-IN-LAW, HERE. I DON'T KNOW HE GOT A HOLD OF ONE OF MY GUNS OR WHAT, BUT I WANT HIM PICKED UP.

WO: OK. HE'S BEEN CALLING US ALL NIGHT LONG. HAVE YOU BEEN THERE? YOU'VE BEEN SLEEP-ING OR WHAT?

APP. 87

APP. 87

M: I'VE BEEN SLEEPING.

WO: OK. HE'S BEEN CALLING US FOR THE PAST TWO HOURS.

M: HOW COME?

WO: WELLL, I DON'T KNOW. PROBABLY BECAUSE HE'S CRAZY.

M: YEAH.

WO: UM...

M: BECAUSES HE'S BEEN THREATENING TO KILL HIS MOTHER AND I'M NOT GOING TO BE BOTHERED WITH HIM. MY LITTLE GRANDSON JUST GOT HIT BY A CAR AND I DON'T NEED THIS SHIT.

WO: NO. OR WHERE DOES THIS GUY'S MOTHER LIVE, DO YOU KNOW?

M: WILLAVENE TRAILER PARK.

WO: OK. HE TOLD ME THAT SHE LIVED AT 775 E. OUTER DRIVE, BUT THAT'S NOT A GOOD ADDRESS.

M: WELL, I THINK IT'S 10 SOMETHING...IT'S ...UH, OUTER DRIVE. AS YOU GO INTO WILLAVENE TRAILER PARK, TURN LEFT AND TAKE THE FIRST LITTLE CURVE RIGHT THERE. SHE'S GOT A BLUE AND WHITE TRAILER. IT'S GOT AN EAGLE ON THE FRONT OF IT. NOW HE WAS IN TROUBLE HERE A WHILE BACK. YOU GUYS ARRESTED HIM OUT THERE.

WO: YEAH, I KNOW. HE JUST GOT ARRESTED A COUPLE OF DAYS AGO. WHAT'S THE LADY'S NAME?

M: FLORENCE.

APP 88

APP. 88

WO: FLORENCE VREELAND?

M: RIGHT. BUT, I DON'T KNOW, MAM. I JUST GOT UP OUT OF BED. HE WOKE US UP... BECAUSE WE'VE BEEN AT THE HOSPITAL EVER SINCE MY LITTLE GRANDSON GOT HIT.

WO: OK. DO YOU KNOW WHICH DIRECTION HE TOOK OFF WALKING ON YOUR STREET, SIR?

M: I DON'T KNOW.

WO: OK. WHAT'S YOUR TELEPHONE NUMBER.

M: 241-004 (THAT IS WHAT IS SAID)

WO: OK.

M: BECAUSE I'M NOT EVEN SURE A MAN LIKE UNAUDIBLE TOOK A GUN OUT OF THE HOUSE.

BACKGROUND NOISE...A MAN PULLED A GUN AND WE SHOT HIM...

WO: OH MY G...OK, UH...THANKS...WE GOT HIM... WE JUST FOUND HIM. THANK YOU...BYE-BYE.

****

THE UNIT WITH THE SUBJECT, IDENTIFY BY CAR NUMBER.

CAR OFFICER: 7

WO: UNAUDIBLE, RETAIN YOUR LOCATION.

CO: NO PROBLEM

WO: OK. START UP THAT WAY. BURKE, MONROE AND HURD, 1068 WITH A SHOT GUN. WE'VE BEEN DEALING WITH HIM ALL NIGHT LONG. APPROACH WITH CAUTION. 5127 KEEP US ADVISED. THE COUNTY AND STATE UNITS EMERGENCY TRAFFIC ONLY, EXCEPT FOR 10 AND 27.

C: ....25 CAR BEHIND US, A TWO MAN UNIT.

WO: CENTRAL 25, B-BOYS.

B: GO AHEAD.

WO: OK. I NEED YOUR ASSISTANCE...UNAUDIBLE ...SINGLE MAN; MENTAL SUBJECT WITH A SHOT GUN, NORTH MONROE AND HURD.

B: CLEAR.

WO: 5127, SECURITY STATUS.

C: HE'S OFF A WAYS DOWN THE ROAD. OK?

WO: OK. I'VE GOT 2 OTHER UNITS ENROUTE. JUST KEEP US ADVISED.

C: 7 TO CENTRAL. HE CAME ACROSS THE ROAD. HE'S...UH...WALKING TOWARDS MY CAR.

WO: 5110. YOUR LOCATION.
CENTRAL 25 B-BOYS. YOUR LOCATION PLEASE.

B: COMING UP ON THE 75 SANDY CREEK.

WO: 5127 SECURITY.

C: UNAUDIBLE.

WO: OK. I GOT A SINGLE MAN UNIT THERE NOW. HE SAID THE SUBJECT WAS APPROACHING HIS CAR WITH A WEAPON. OK. FOR THE UNITS RESPONDING TO THIS, I CANNOT STRESS, WE HAVE BEEN DEALING WITH THIS GUY ON THE PHONE ALL NIGHT LONG. PLEASE APPROACH WITH CAUTION. HE SAID HE WOULD NOT HESITATE TO KILL.
CENTRAL 5127 SECURITY STATUS.

C: EXACT LOCATION.

APP. 90

WO: OK. I LAST HAD HIM AT NORTH MONROE AND HURD. HE SAID HE WAS APPROACHING THE CAR WITH THE WEAPONG. CENTRAL 5127. OK. APPARENTLY HIS WEAPON IS POSSIBLY A 20 GAGE SHOTGUN.

C: WE GOT HIM IN SITE. WE'RE APPROACHING HIM NOW.

WO: OK. VERY GOOD.

C: CENTRAL FROM 25 B.

C: TO KEEP YOU UP-TO-DATE. SUBJECT IS STANDING WITH THE SHOTGUN. WE'RE TRYING TO ORDER IT OUT OF HIS HAND. HE'S DRINKING BEER OR SOMETHING. HE'S NOT LISTENING TO US.

WO: OK. YOU...UNAUDIBLE.

C: I'LL BE THERE SHORTLY.

WO: OK 11.

LONG PAUSE.

WO: 5110?

C: GET AN AMBULANCE OUT HERE.

WO: OK...CENTRAL 517.
AND 7 START UP THAT WAY.

C: IS THERE A PROBLEM?

WO: 5110.

C: WE DON'T NEED ANYMORE ASSISTANCE. WE NEED AN AMBULANCE.

WO: OK. WE'VE GOT AN AMBULANCE ENROUTE. 517. DISREGARD. WE GOT AN AMBULANCE ENROUTE.

C: UNAUDIBLE.

WO: 25 B.

C: UNAUDIBLE

WO: 5127.

C: GET A HOLD OF SOME KIND OF COMMAND OFFICER TO RESPOND OUT HERE.

WO: OK.....LONG PAUSE.....5127.

C: GO AHEAD.

WO: OK. YOUR AMBULANCE IS RESPONDING FROM MERCY. THE OTHER SHERIFF IS ENROUTE, WOULD YOU LIKE A RESCU SQUAD?

C: THE AMBULANCE SHOULE BE OK.

C: UNAUDIBLE...I'M BRINGING DRIVER 27 INTO THE OFFICE. WAIT THERE.

WO: OK.

C: CENTRAL 25 B-BOYS.

WO: CENTRAL 25 B.

C: WE WILL BE BRING IN 1511'S PRISONER.

WO: OK. THANK YOU.

UNAUDIBLE THROUGH TONE.

C: CENTRAL DISPATCH.

WO: 11.

C: CHECK WITH COMMAN, BUT I BELIEVE YOU'RE GONNA NEED..UNAUDIBLE..TO HANDLE THIS PROPERLY.

WO: YEAH, WE'LL TRY TO GET IT TAKEN CARE OF.

(END OF TAPE)